

*To RBE*  
*from JPM*

We have just received a copy of a letter dated May 2, 1975 a letter from the Texas Water Quality Board to the Attorney General asking for injunctive relief and civil penalties against ~~Mc~~ McGinnis resulting from spill from a barge utilized by McGinnis on May 1, 1975. The spill took place in the intercoastal waterway and resulted in a spillage of 80 to 90 tons of centrifuged papermill sludge. A copy of that letter is attached.

The material in the barge presumably was s industrial sewage treatment plant sludge from the Gulf Coast Waste Disposal Authority, Washburn Tunnel Plant in route to the McGinnis storage facility. During the same time frame as the McGinnis permit issue, we have had daily monitoring reports submitted by Gulf Coast indicating that affluent and effluent limits may have been violated resulting in metals getting through to the Houston Ship Channel. A purpose of sampling that McGinnis facility was to ascertain to what extent those metals might be coming to McGinnis in the treatment plant sludge.

A provision of the Gulf Coast permit prohibits the return of sludges to navigable waters. The fact of the spill incident raises a question whether or not a violation of Gulf Coast's permit as to this provision has occurred.

I request that a 308 letter be prepared to be sent to Gulf Coast and to McGinnis which will establish on the one hand when this sludge was loaded at Gulf Coast and on the other what if any analytical data can be obtained to determine the existence of toxic or hazardous materials in the sludge. This letter should be prepared with the thought in mind that the establishment of the fact that this barge load of sludge came from Gulf Coast if it entered a waterway, represents a violation of the Gulf Coast permit. This leads to the possibility of an enforcement action against Gulf Coast or McGinnis or both.

*lets discuss this entire matter - S&A right*

~~cc: Dr. Ramirez~~ *attached.*

S&A

*JPM*

*P.S. Pls notify RBE of proceeding - ask him to continue holding up permit - for he want to contribute to 308 letter?*